

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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JACQUETTA SEON,

Plaintiff,

- against -

FAMILY RESIDENCES ESSENTIAL
ENTERPRISES,

**REPORT AND
RECOMMENDATION**

CV 03-6345 (SJF) (JO)

Defendant.

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JAMES ORENSTEIN, Magistrate Judge:

Plaintiff Jacquette Seon ("Seon"), proceeding *pro se*, brought this action on December 18, 2003 claiming that she was unlawfully terminated from her employment at Defendant Family Residences Essential Enterprises ("FREE") in violation of Title VII of the Civil Rights Act of 1964 and of the Americans with Disabilities Act of 1990. Docket Entry ("DE") 1.

By letter dated December 7, 2005 Seon asked that her "case be dismissed without prejudice so that [she] may re-file at a later date." DE 56. She explains that she is receiving treatment for a diagnosed ailment and that such treatment and subsequent recovery will interfere with her ability to devote sufficient attention to prosecuting her claim. *Id.* By letter dated December 9, 2005, FREE's counsel advised that the defendant does not object to Seon's request for such relief. DE 57. Based on the parties' agreement, and in the interest of a just disposition on the merits of Seon's claims, I respectfully recommend that the court enter an order of voluntary dismissal without prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

Pending the court's decision on the foregoing recommendation, the pretrial conference previously scheduled for December 19, 2005, at 9:30 a.m. is adjourned without date. I will schedule further proceedings if and as appropriate.

This Report and Recommendation will be electronically filed on the court's ECF system. Counsel for defendant FREE is directed to serve a copy of this Report and Recommendation on plaintiff Seon and to file proof of service with the court. Any objection to this Report and Recommendation must be filed with the Clerk of the Court with a courtesy copy to me within 10 days of service. Failure to file objections within this period waives the right to appeal the District Court's Order. *See* 28 U.S.C. §636 (b)(1); Fed. R. Civ. P. 72; *Beverly v. Walker*, 118 F.3d 900, (2d Cir. 1997); *Savoie v. Merchants Bank*, 84 F.3d 52, 60 (2d Cir. 1996).

SO ORDERED.

Dated: Central Islip, New York
December 13, 2005

/s/ James Orenstein
JAMES ORENSTEIN
U.S. Magistrate Judge